

REMARKS

Status of the claims

Claims 4, 7, 9, 11, 13-15, 17, 19, 20, 22-35 and 37-45 are now pending in this application. Claims 4, 5, 35 and 38 are currently under examination. Claims 5, 8, 10, 12, 16, 18, and 21 have been canceled. Withdrawn claims 7, 9, 11, 15, 17, 19, 31, 37, 39, 40, 43, 44, and 45 have been amended to be dependent from independent product claim 4. Accordingly, if the product claims are found allowable, the Office should rejoin process claims 7, 9, 11, 13-15, 17, 19, 20, 22, 23, 24, 31, 37, 39, 40, 43, 44, and 45. Additionally, claim 13 has been amended to correct a typographical error.

Rejection under 35 U.S.C. §112

Claim 5 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as his invention. Specifically, the Office states that claim 5 is indefinite because the claim does not further limit claim 4, from which claim 5 depends.

Claim 5 has been canceled in this Response. Accordingly, this rejection should be withdrawn.

Rejection under Obviousness Type Doubling Patenting

Claims 4, 5, and 35 are provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-3 and 45-46 of U.S. Patent Application Serial No. 10/914,049. In response thereto, Applicant have enclosed herewith a Terminal Disclaimer to obviate the rejection.

Claim Objection

Claim 38 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 4, from which claim 38 depends, was solely rejected based on nonstatutory obviousness-type double patenting to which Applicant is submitting a Terminal Disclaimer to obviate the rejection. Accordingly, the objection to claim 38 should be withdrawn.

CONCLUSION

In view of the foregoing amendment and remarks, all claims now under examination in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully requested. Applicant does not believe any fees are due in connection with this Response; however, the Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 01-2384 in the name of ARMSTRONG TEASDALE LLP.

Respectfully submitted,

/Jeannie M. Boettler/

Jeannie M. Boettler, Reg. No. 55,822
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102
314-621-5070

JMB/skb
Via EFS